

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COMMODITIES EXPORT COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 09-11060

CITY OF DETROIT,

Defendant,

and

UNITED STATES OF AMERICA,

Defendant/Cross-Claimant,

and

DETROIT INTERNATIONAL BRIDGE
COMPANY,

Defendant/Counter-Plaintiff/Cross-
Defendant.

ORDER SETTING BRIEFING DEADLINES AND HEARING DATE

On April 20, 2011, counsel appeared in this matter for a status conference. Plaintiff's counsel indicated that Plaintiff did not want to pursue any remaining claims in this action, and instead wanted to dismiss all claims, presumably with prejudice. All counsel appeared to be in agreement on this course of action, with the exception of counsel for Detroit International Bridge Company ("DIBC"), who indicated some reservations with a dismissal. Because the parties have not agreed to a voluntary dismissal, Plaintiff cannot dismiss this action without a court order. See Fed. R. Civ. P.

41(a)(2). The court will therefore set a briefing schedule for the contemplated motion to dismiss.

Additionally, during the conference, the parties also discussed the entry of an injunction in accordance with the court's June 29, 2010, order granting the United States's motion for summary judgment. The court directed the United States to circulate a proposed order to all counsel. The court will address the proposed order, and any objections, at the upcoming hearing. Accordingly,

IT IS ORDERED that Plaintiff shall file its motion for voluntary dismissal by **May 2, 2011**. Any responses to the motion, by DIBC or any other party, shall be filed by **May 16, 2011**. The United States may, but need not, file a response. The court will conduct a hearing on the motion on **May 25, 2011, at 2:00 p.m.**

Counsel are further DIRECTED to be prepared to discuss the entry of the United States's proposed injunction at the **May 25, 2011**, hearing.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 22, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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